

AMENDED IN SENATE AUGUST 28, 2001

AMENDED IN SENATE JULY 16, 2001

AMENDED IN ASSEMBLY APRIL 30, 2001

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

## ASSEMBLY BILL

**No. 1589**

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**Introduced by Assembly Member Simitian**

February 23, 2001

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An act to add Section 2028 to the Business and Professions Code, relating to the healing arts.

### LEGISLATIVE COUNSEL'S DIGEST

AB 1589, as amended, Simitian. Healing arts: electronic transmission *of* prescriptions.

Existing law, the Medical Practice Act, creates the Medical Board of California and requires it to perform various duties relating to the practices of physicians and surgeons and other healing arts practitioners.

This bill would require the board to consult with the California State Board of Pharmacy and commission a study that evaluates the electronic transmission of prescriptions by physicians and surgeons and report its results to the Legislature on or before January 1, 2003. The bill would specify that the board's report include recommendations *on whether the electronic transmission of prescriptions should be encouraged, methods* to encourage physicians and surgeons and other specified ~~health care providers~~ *persons* to use this method to transmit prescriptions, and *to* identify systems to protect *the privacy of* patients, including the issuance of a digital certification, as defined.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. (a) The Legislature finds, based upon a report  
2 entitled “To Err is Human, Building a Safer Health System,” a  
3 report issued in 1999 by the Institute of Medicine, that in 1993,  
4 approximately 7,000 deaths occurred in the United States as a  
5 result of medication errors.

6 (b) The Legislature further finds, based on information from  
7 the Institute for Safe Medicine Practices, the following:

8 (1) Of the three billion prescriptions issued each year in the  
9 United States, nearly all of them are handwritten by the physician  
10 and surgeon issuing the prescription.

11 (2) Illegible prescriptions result in more than 150 million  
12 inquiries each year by pharmacists for clarification from the  
13 physician and surgeon who issued the prescription.

14 (3) While the technology exists for the electronic transmission  
15 of prescriptions, less than 5 percent of physicians and surgeons use  
16 this technology to prescribe medication.

17 SEC. 2. Section 2028 is added to the Business and Professions  
18 Code, to read:

19 2028. (a) The Medical Board of California shall consult with  
20 the California State Board of Pharmacy and commission a study  
21 and report its results to the Legislature on or before January 1,  
22 2003, on the electronic transmission of prescriptions by physicians  
23 and surgeons. ~~This~~

24 (b) ~~This report shall include recommendations for methods on~~  
25 ~~the following matters:~~

26 (1) ~~Whether the electronic transmission of prescriptions should~~  
27 ~~be encouraged.~~

28 (2) ~~Methods to encourage physicians and surgeons and, health~~  
29 ~~care providers specified in subdivision (a) of Section 4024, and~~  
30 ~~persons licensed to prescribe in another state who meet the~~  
31 ~~requirements described in subdivision (b) of Section 4005 to issue~~  
32 ~~prescriptions by electronic transmission and identification.~~

33 (3) ~~Identification of systems to protect confidential personal~~  
34 ~~and medical information of patients for whom prescriptions are~~  
35 ~~issued using that process electronic transmission, including, but~~

1 not limited to, the issuance of digital certification to physicians and  
2 surgeons~~and~~, health care providers specified in subdivision (a) of  
3 Section 4024, *and persons licensed to prescribe in another state*  
4 *who meet the requirements described in subdivision (b) of Section*  
5 *4005* to use when transmitting prescriptions electronically.

6 “~~Digital~~

7 (c) *Digital* certification” is an electronic signature verifying  
8 the identity of the physician and surgeon~~or~~, health care provider  
9 specified in subdivision (a) of Section 4024, *or person licensed to*  
10 *prescribe in another state who meets the requirements described*  
11 *in subdivision (b) of Section 4005* who is transmitting the  
12 prescription electronically.

